

APPENDIX C

HOUSING ELEMENT & GROWTH CONTROL REQUIREMENTS

ELIGIBILITY FOR AWARD OF STATE CDBG FUNDS

Any applicant with a Housing Element that is not in compliance with State CDBG statutes (Housing Element approved and adopted by the jurisdiction's governing board by the final due date of the application) will not be eligible. If you do not know the status of your Housing Element you must contact our Division of Housing Policy Development (HPD), Paul McDougall, Manager, at (916) 322-7995 to verify compliance. Applicants should verify this information before they fill out an application for funding. Here is the link to HPD's website: [HCD Housing Policy Development](#)

Any applicant with a growth control measure in effect is only eligible to apply for CDBG funds if HPD has determined that an exception can be made based on HPD's review of the applicant's Housing Element. If your Housing Element has a growth control measure, be aware that it may interfere with your eligibility. You must call Paul McDougall at (916) 322-7995 to verify if the growth control measure is in violation of State CDBG statutes.

STATUTORY AUTHORITY FOR COMPLIANCE

Program Regulations, Health and Safety Code, Section 50830.

DEFINITION OF GROWTH CONTROL MEASURE

A general plan, ordinance, or other measure that directly limits by number:

1. The building permits that may be used for residential construction; or,
2. The buildable lots that may be developed for residential purposes.

Section 50830 does not apply to:

1. An ordinance adopted by a city or county that does any of the following:
 - A. Imposes a moratorium to protect the public health and safety on residential construction for a specified period of time if, under the terms of the ordinance, the moratorium will cease when the public health and safety is no longer jeopardized by the construction;
 - B. Creates agricultural preserves under Chapter 7 (commencing with Section 51200) of Part 2 of Division 1 of Title 5 of the government code; or,

- C. Adopted pursuant to a specific requirement of a State or multi-state board, agency, department, or commission; or
- 2. A city or county that has adopted a housing element that the Department has found to be adequate pursuant to subdivision (c) of Section 65585 or Section 65586 of the Government Code at the time the city or county applies for funds under the State CDBG Program, unless a final court order has found that such housing element is not in compliance with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code.